

REGULAR MEETING OF THE COMBINED PLAN COMMISSION/ZONING BOARD OF APPEALS

Gregory J. Bielawski Municipal Center, Village of Carol Stream, DuPage County, IL

July 12, 2010

ALL MATTERS ON THE AGENDA MAY BE DISCUSSED, AMENDED & ACTED UPON

Chairman David Michaelsen called the Regular Meeting of the Combined Plan Commission/Zoning Board of Appeals to order at 7:45 p.m. and directed Recording Secretary Wynne Progar to call the roll:

- Present: Commissioners Frank Petella, Ralph Smoot, Dee Spink & David Michaelsen
- Absent: Commissioners David Hennessey, Timothy McNally & Angelo Christopher
- Also Present: Assistant Community Development Director Don Bastian & Recording Secretary Wynne Progar

MINUTES:

Commissioner Spink moved and Commissioner Petella made the second to approve the Minutes of the Meeting of June 14, 2010 as presented. The results of the roll call vote were:

- Ayes: 4 Commissioners Petella, Smoot, Spink & Michaelsen
- Nays: 0
- Absent: 3 Commissioners Hennessey, McNally and Christopher

PUBLIC HEARING:

Commissioner Spink moved and Commissioner Petella made the second to open the Public Hearing. The motion passed by unanimous vote.

**10162: I.T.P. #1, LLC - 485 Mission Street
*Special Use – Private Recreational Facility***

Eric Beck, 331 SE Crystal Creek Circle, Issaquah, WA, and Matthew Grusecki, 5060 River Road, Schiller Park, IL were sworn in as witnesses in this matter. Mr. Beck said that the business that he starting up is called an indoor trampoline park. It will be a warehouse that will be full of commercial grade trampolines, basically in a checker board pattern. There are about 20 of these commercial centers, mostly on the west Coast, Texas and Florida. The fees will be about \$11.00 per hour with a discounted 2nd hour. The kids will be issued different colored wrist bands that designate what time each started in the facility. There will be three different party packages. Mr. Beck said that the main concern is safety for the kids using the equipment. There will be a video for kids to watch to see what and there will be video security cameras that will be viewed continuously. Anyone not following the safety factors will be removed. Kids will be separated by weight and age so that there will be the safety for each child, of not jumping with a larger or smaller partner. There will also be a dodge ball court at the back of the trampoline area.

Mr. Bastian said the applicant is requesting a Special Use in accordance with §16-10-2(B)(13) of the Carol Stream Zoning Code to allow for the operation of a private

recreational facility in the I Industrial District at 485 Mission Street. Dating back to 1998, the Village has approved four Special Use Permits for recreational facilities in the Industrial District. In each case, the adequacy of parking has been the key consideration in the Village's review of such facilities. Below is a brief summary of the approved facilities, including a review pertinent parking information.

- *The Baseball Academy, 242 Tubeway Drive* – Approved in 1998, *The Baseball Academy* offered training in baseball, softball, basketball and volleyball in an 11,900 square foot tenant space in the 83,000 square foot multi-tenant industrial building. Though the entire building was served by only 68 parking spaces, the Plan Commission and Village Board determined that the parking would be adequate due to the off-peak usage of *The Baseball Academy* compared to the other building tenants, and also due to a maximum occupant load limitation not to exceed 60 people.
- *GymNasti, 110 Della Court* – Approved in 2002, *GymNasti* offers gymnastics training in a 14,000 square foot tenant space in a 66,750 square foot multi-tenant industrial building. The use had 33 dedicated parking spaces, which is a ratio of 2.3 spaces per 1,000 square feet of area. However, the functional ratio of spaces increased to 3.3 per 1,000 square feet when the 13 additional spaces allocated to an adjacent tenant were included. The Plan Commission and Village Board were comfortable including the additional spaces due to the off-peak usage of the *GymNasti* facility when compared to the other building tenants.
- *DuPage Training Academy, 115 Alexandra Way* – Approved in 2006, *DuPage Training Academy* offers baseball, softball and basketball training in a 30,000 square foot single-tenant industrial building. The property contains 72 parking spaces which results in a parking ratio of 2.4 spaces per 1,000 square feet of area. The Plan Commission and Village Board were comfortable with the quantity of parking spaces since the facility would not host tournaments or competitions, and also based on the facility usage schedule submitted by the applicant.
- *Premier Gymnastics Academy North, 327 Gundersen Drive* – Approved in 2009, *Premier Gymnastics Academy North* occupies 11,300 square feet in a 54,800 square foot multi-tenant commercial building. The building also houses ATI Physical Therapy, a members-only gym/physical fitness use, and medical and business office uses. Due to the variety of uses in the building and the length of time the uses have been in operation, a relatively complex parking analysis was performed in review of the *Premier Gymnastics Academy* use. Ultimately, due to the large number (256) of parking spaces available on site, field observations indicating that many spaces were unused, and the variability in peak usage times of the different building occupants, the Plan Commission and Village Board were comfortable with the amount of available parking.

As shown on the floor plan (Exhibit B), six trampoline "pods" would be provided within the space. The trampolines would be created by constructing a four-foot high elevated platform within approximately one-half of the tenant space. The platform would enable customers to walk to the appropriate trampoline pod that they would be using, and would also provide an area for supervision by both employees and parents. Use of four out of the six trampolines would generally be restricted based on the age and size of the user; the trampoline leading into the foam pit and the easternmost trampoline, which would be used as a dodge ball court, would not generally have age restrictions. In general, however, the intent is to keep larger users separated from smaller users. As seen on the attached photos (Exhibits D-1 through D-4), extensive padding will be installed to help

protect users. As stated in his cover letter, the applicant expects that 75% of his total business will take place on Friday evening, Saturday and Sunday. (As will be discussed in more detail in the Parking Analysis, I.T.P.'s anticipated peak business activity period will occur when the two other building tenants will have virtually no parking demand, which will facilitate a parking analysis that is based, in part, on the concept of shared parking.)

From a safety standpoint, I.T.P. encourages parents to stay with and supervise all minors using the facility. However, I.T.P. will require a parent or guardian to remain for all children under the age of 12. Children between the ages of 12 and 18 can be dropped off at the facility, but only after a parent has read, signed and submitted I.T.P.'s waiver form. Upon entering the facility, all customers will be required to view a safety video reviewing the proper use techniques for the facility; this video would be shown in the fenced area north of the area labeled "office area" on the floor plan. Only after viewing the safety video would customers be able use the facility.

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Use of Space	Area of Use	Code Requirement	Spaces Required
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M&M Special Events & The Howard Elliot Collection			
office	5,536 s.f.	1 space for each 250 s.f.	22.1
production	3,209 s.f.	1 space for each 600 s.f.	5.3
warehouse	65,819 s.f.	4/1 st 1,200 s.f., then 1/1,500 s.f.	47.1
Parking Required for M&M and Howard Elliot			74.5 spaces
I.T.P. #1 LLC (Indoor Trampoline Park)			
office	2,625 s.f.	1 space for each 250 s.f.	10.5
recreational use	42,811 s.f.	½ space per employee, plus additional spaces as determined by PC	5 ¹
Total Parking Required			90 spaces +²
Total Parking Spaces Proposed to be Provided			149 spaces

¹ The applicant has stated that there will be 10 employees during the peak shift; as such, five spaces are required for the employee-based portion of the parking calculation

² The 90 spaces listed as required does not include the additional spaces required for the recreational facility use as determined by the Plan Commission

- The site contains 149 parking stalls.
- The number of parking spaces required for M&M and Howard Elliot is 75 spaces.
- The applicant expects that 75% of the trampoline park business will occur on Friday evenings, Saturdays and Sundays. The Howard Elliot Collection is closed on weekends, and M&M Special Events standard hours are Monday through Friday between 5:30 am and 5:30 pm, with occasional weekend hours as dictated by special events.
- The applicant provided an hourly breakdown of anticipated parking demand for all three tenants in the Parking Analysis table (Exhibit C). This table projects a peak parking demand for all three tenants of 109 vehicles occurring between 4:30 and 5:30 on Friday afternoons. Based on the estimates, there would still be 40 period.

The total area of the recreational use, excluding the office, is 42,811. However, nearly 50% of the space, or 20,976 square feet, is shown on the floor plan as open, unused space. The open, unused floor areas will not generate a parking demand. The applicant is proposing that parking be provided at a ratio of 3.5 spaces per 1,000 square feet of "activity area" space, which is 21,835 square feet. Based on this ratio, required parking for the activity area would be 76.6 spaces. When added to the 10.5 spaces for the office use and 5 spaces for the employees, total parking for the trampoline park use using the applicant's suggested parking ratio would be 92 spaces.

Using 92 spaces for the trampoline park and 75 spaces for the two other tenants would result in a total parking requirement of 167 spaces, which is 18 spaces more than currently exist on the property. However, staff would note that the 3.5 per 1,000 square feet of use ratio suggested by the applicant is higher than the ratio that has been required and provided for other private recreational facilities in the Industrial District. Further, the applicant has demonstrated that the actual parking demand of M&M and Howard Elliot is significantly less than the 75 spaces required by the Zoning Code, and the applicant has also demonstrated that the peak usage time for the trampoline park use would occur at times when the parking demand of M&M and Howard Elliot is either zero or minimal. Finally, the applicant has shown on the site plan (Exhibit A) an area at

which 25 additional parking spaces could be added near the southwest corner of the building.

Based on the above, staff believes that the 149 existing parking spaces will be sufficient to serve the two existing tenants in addition to the new trampoline park use. If the Plan Commission concurs, staff would suggest as a condition that the applicant would need to apply for an amendment to the Special Use if they wished to convert any of the proposed "unused area" into "activity area" within the overall space. We also suggest a condition that would authorize staff to require the installation of additional parking spaces, for example as shown near the southwest corner of the building, if a parking shortage is observed on the property.

Although not under the scope of the Plan Commission's review, it may be useful for the Commission to be aware that the following issues would be further evaluated and resolved through the building permit process should the Special Use be approved:

1. The occupant load of the facility would be determined, which will determine important design factors such as emergency egress pathways and the number of restroom fixtures and facilities that would be required.
2. The sprinkler system within the tenant space will be evaluated for compliance with the applicable codes, based on the change in use within the space.
3. The applicant would need to provide information from the manufacturer regarding the materials used in the trampolines, for evaluation with respect to flame spread and smoke rating in the event of a fire.
4. Existing storm water catch basins in the parking lot are beginning to fail and will need to be repaired by the property owner so as to eliminate a tripping hazard.

Summary:

In terms of use compatibility with adjacent tenants and properties, staff finds that the indoor trampoline park use would be consistent with other private recreational uses for which the Village has previously granted Special Use approval. Further, based on the information provided and the analysis contained herein, we believe that adequate parking will be available to serve all building tenants.

Staff recommends approval of the Special Use to allow for the private recreational facility (indoor trampoline park) in the I Industrial District, subject to the following conditions:

1. That should the applicant wish to expand the business into the "unused area" as shown on the floor plan (Exhibit B), an amendment to the Special Use would be required so that impacts to parking, among other considerations, could be re-evaluated;
2. That should staff observe a lack of parking on the property, that staff can direct the applicant to install additional parking, for example, in the "future employee parking" area at the southwest corner of the building as shown on the site plan (Exhibit A);

3. That the Building Code requirements for issues including (but not limited to) restroom facilities, the fire suppression system and the flame spread and smoke rating of the trampoline material will be evaluated during the building permit process;
4. That the property owner shall commit to repairing the stormwater inlets in the parking lot so as to eliminate a potential trip hazard to pedestrians;
5. That the applicant shall obtain the required Village license for any vending machine or video game;
6. That no trash dumpsters may be placed outdoors unless properly screened in accordance with §9-1-5 of the Village Code; and
7. That the facility must comply with all state, county, and Village codes and requirements.

There were no comments or questions from those in attendance at the call for Public Hearing.

Commissioner Petella asked how many kids would be in each area and it was stated that there would be one kid per square and one employee per square. Commissioner Petella asked if there would be a food prep area and Mr. Beck said that all food for parties would be ordered in and that there will be vending machines for snacks and drinks and any food or drink is banned from the trampoline area. In response to the question of keeping the jump area sanitary, it was stated that the area will be wiped down with a bleach solution. The operation will open at 2:00 p.m. seven days a week. Commissioner Spink asked what the routine would be upon entering the building and was told that the kids that were going to jump would view the movie on rules and safety, the parent would sign the waiver, the kids would get wrist bands and be assigned an area to jump. Parents can either remain with the kids or wait in the waiting area. It was stated that there will be classes available to teach tricks to do on the trampoline and that the building will be heated and/or air conditions. Commissioner Spink asked if there was enough parking lot lighting for safety during the winter months. Mr. Bastian said that Engineering Services will not be reviewing the amount of foot/candles in the parking lot lighting to be sure they meet the Code requirements. Commissioner Spink asked Mr. Beck how they will handle shoes and/or foot covering in inclement weather, walking to the trampolines. He said that there will be carpeting from the entrance and thru the lobby which should absorb the dampness on their shoes, and the kids can jump either with shoes on or barefoot. Mr. Beck noted that there is no jumping in socks because there is no friction maintained with the trampoline. Commissioner Spink asked if there would be a rule that any customer must bring a spare, dry, pair of shoes to use on the trampoline and Mr. Beck said that they are developing rules as they go along and they will determine what policy or rules that will be created. Commissioner Spink asked if there will a party package that will allow whatever number of kids unlimited jumping, or a family package so that there can be a discount for families with a lot of kids. He said that they might be doing something like that and possibly discounting the cost during slow times.

Chairman Michaelsen that most of the questions he had have been answered except for details about safety and he asked if there will be any medically trained staff on site so that eventually when two people collide over the trampolines and one gets knocked out,

will management rely on Village services or will there be somebody there. Mr. Beck said that the managers will all be trained in first aid. Chairman Michaelsen said that in counting all of the trampolines that are in the plan and they amount to 90 people or children and that would be the maximum jumping. Mr. Beck said that 90 is not maximum for trampolines, but some other additional kids could be playing dodge ball, or at the party area or even playing video games. Chairman Michaelsen said that he believes that the Building Department will look into all of this. Mr. Bastian said that the floor plan that is in the packet is probably quite close to what could be built, but it is conceivable that some of the aisle widths and the location of stairs may have to be modified a little bit and the Fire Code addresses ingress and egress, path widths and distances that have to be maintained. But staff believes that the given floor plan is close enough to be able to use for Plan Commission review and action. Commissioner Spink asked for those who want to have a party catered there, are there any refrigerator and storage spaces that could be use to hold the party materials and it was determined that it is too early in the process to be able to answer the question.

Commissioner Spink moved and Commissioner Petella made the second to approve the request for a Private Recreational Facility in accordance with staff recommendations.

The results of the roll call vote were:

Ayes:	4	Commissioners Petella, Smoot, Spink & Michaelsen
Nays:	0	
Absent:	3	Commissioners Hennessey, McNally and Christopher

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on July 19, 2010 at 8:00 p.m. and was advised to attend that meeting.

#10173: NACA Logistics, USA Inc, 250 S. Gary Avenue
Special Use – Cartage Establishment
Special Use – Outdoor Activities and Operations

Rachael Copenhaver, from Vedder Price , 222 N. LaSalle Street, Chicago, IL 60601 and Alan Babor, NACA Logistics (USA) Inc. Terminal Manager, were sworn in as witnesses in this matter. Ms. Copenhaver said that the petitioner NACA is requesting a Special Use to have a cartage establishment at 250 S. Gary Avenue and an amendment to a Special Use to allow outdoor activities and operations. Ms. Copenhagen stated that the company has been in business since 1978 and they provide the service of combining small items from several companies and load them into a single cargo ocean cargo container for delivery overseas. Mr. Babor is the terminal manager is responsible for overseeing the logistics of the NACA, including all of the products that are inbound or outbound. There will three working shifts of dealing with 150 inbound and 150 outbound trucks per day. Ms. Copenhaver reviewed the proposed daily output and in regard to the Special Use for outdoor storage, they anticipate storing 88 trailers on the property and in order to accommodate this trailer they will modify two existing areas on the site to allow for the storage containers.

Mr. Bastian said that prior to a review of NACA Logistics operational plan, it is important that the Plan Commission understand the distinction between a *cartage establishment* and a *warehouse* use. The distinction is important, since the Zoning Code lists *cartage establishment* as a Special Use in the Industrial District, and a *warehouse* is listed as a Permitted Use. In staff's interpretation, the distinction between a warehouse use and a cartage establishment involves the length of time that product is typically stored in the building and the overall site activity level. While warehouse uses commonly have

products stored for long periods of time and have limited site activity, products move through a cartage establishment much more quickly and the site activity levels at such facilities is usually much higher.

With that use distinction in mind, and after learning more about NACA Logistics operation, staff has determined that NACA's use is most similar to a *cartage establishment*, and so Special Use approval is required. NACA proposes to operate three shifts at the facility, with 300 truck traffic trips (150 entering and 150 exiting) taking place daily. Two-hundred employees would be spread across the three shifts. The applicant has submitted a color site plan (Exhibit B) that serves to illustrate the intended truck circulation pattern on the site (with red arrows). All truck traffic would enter off of Gary Avenue, turn to the north (right), and maneuver around the property in a counter-clockwise manner. Inbound trucks would drive around the entire building and park at one of the 20 truck docks on the south side of the building, whereupon the contents of the trucks would be moved into the building. Products would be moved from the south side of the building, through the building to a cargo container parked at one of the 38 loading docks on the north side of the building. Once the cargo containers are ready to be shipped, they would be driven around the property in the same counter-clockwise manner around the building and out to Gary Avenue. In general, new products entering the south side of the building would be consolidated into a cargo container and be ready for shipment within 24 hours. Truck traffic entering and exiting the site will be continuous throughout the entire 24-hour day, although there would be a peak in activity between 11:00 am and 3:00 pm due to the need for outbound shipments to meet a daily cut-off time in order to meet railroad shipping schedules.

For informational purposes, NACA Logistics intends to have the facility certified through the US Customs Office to enable expedited shipping of their customers' orders. This certification requires compliance with certain design criteria, which is why NACA intends to install a seven foot tall chain link fence with one foot of barbed wire around the secure portion of the property. We would note that the proposed fence near the southeast corner of the building will need to be moved approximately 20 feet to the west so as to avoid being located within the 400-foot Gary Avenue Corridor, as chain link fences are not allowed within the Gary Avenue Corridor. The Fence Code does, however, allow barbed wire in the Industrial District.

NACA Logistics needs to be able to store 88 trailers on the property, which is fewer than the 120 trailers that the 2000 site plan appeared to be able to accommodate. (For purpose of clarification, the trailers that would be stored on the property could be standard 18-wheeler style trailers, or they could be cargo containers mounted to a flatbed trailer.) The site plan (Exhibit A) shows spaces for the outdoor storage of 49 trailers on the north side of the building, and for the outdoor storage of 33 trailers on the south side of the building. An Amendment to the 2000 Special Use is necessary because NACA wishes to modify two existing areas of the site to allow for additional outdoor trailer parking on the north side of the building. The first area involves the conversion of 21 existing automobile parking spaces adjacent to the northeast corner of the building to outdoor trailer storage for seven trailers, as shown on Exhibit B. The same exhibit shows six additional "future" outdoor trailer parking stalls in a grass area near the northwest corner of the building. In order to accommodate outdoor trailer storage at these two areas that were previously shown for other uses, an Amendment to the 2000 Special Use is needed.

In review of the requests for a Special Use for a cartage establishment and to amend the 2000 Special Use to allow for modified outdoor trailer parking, staff has considered operational and aesthetic factors. From an operational standpoint, the building and

property are ideally suited for the proposed cartage facility use, and also for the modified outdoor trailer storage. In fact, the site was essentially designed for this specific type of use, with dock doors on opposite sides of the building, a large area available for outdoor trailer storage that is screened from public streets, and ample automobile parking. From a traffic standpoint, the building is surrounded with a drive aisle that was designed to accommodate tractor trailer traffic movements. In addition, the Engineering Services Department has no concerns with the anticipated 150 inbound and 150 outbound daily truck trips that the property will experience. In addition, with the 9-12 foot tall berm complete with maturing landscape materials situated between the building and Gary Avenue, all outdoor site activities would essentially be invisible from Gary Avenue. Based on their operational plan and the existing developed condition of the building and property, NACA Logistics should be able to conduct their *cartage establishment* use and outdoor trailer storage with minimal impacts on surrounding properties. Staff has no significant concerns with the proposed use.

RECOMMENDATION

Staff recommends approval of the Special Use to allow for NACA Logistics cartage establishment use, and also of the Special Use Amendment to modify the approved locations for outdoor trailer storage, subject to the following conditions:

That a maximum of 88 trailers, including cargo containers mounted to a chassis, may be stored at the designated storage spaces shown on Exhibit B;

That no goods or products of NACA's customers may be stored outdoors on the property;

That cargo containers not mounted to a truck chassis may not be stored on the property;

That a permit for the fence, separate from the overall building permit, will be needed, and that the fence must be located outside of the 400-foot Gary Avenue Corridor; and

That the facility must comply with all state, county, and Village codes and requirements.

There were no comments or questions from those in attendance at the call for Public Hearing.

Commissioner Spink asked if there are appointments for the trucks to bring their load, or do they just stack up until they are unloaded. Mr. Babor said that the incoming trucks are first come, first served and with this facility we should never have back-up. There are twenty doors for receiving and they manage their own traffic and there should not be a problem.

Commissioner Petella said that the containers will all be on tractors and be mobile and asked if they will be stacked at any point. In response to the question of how many employees are at the Itasca location and Mr. Babor said there are about 135 and they think that they will increasing employment with three shifts, to about 200 employees. If the building is guarded around the clock and has barbed wire fencing, what is the license that is required for this operation and Mr. Babor said that this will be a Free Trade Zone, with security guards and cameras will be installed to keep track of every truck and trailer. Chairman Michaelsen asked if the barbed wire would be completely around the building, and it was stated that anywhere containers are stored must have the security and protection as in barbed wire.

Commissioner Petella move to recommend approval of a Special use to have a Cartage establishment in the Industrial Zone and also the approval of an amendment to a Special Use for Outdoor Activities and Operations in accordance with staff conditions. Commissioner Smoot made the second. The results of the roll call vote were:

Ayes:	4	Commissioners Petella, Smoot, Spink & Michaelsen
Nays:	0	
Absent:	3	Commissioners Hennessey, McNally and Christopher

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on July 19, 2010 at 8:00 p.m. and was advised to attend that meeting.

Commissioner Spink moved and Commissioner Petella made the second to close the Public Hearing. The results of the roll call vote were:

Ayes:	4	Commissioners Petella, Smoot, Spink & Michaelsen
Nays:	0	
Absent:	3	Commissioners Hennessey, McNally and Christopher

PRESENTATION:

#10148: CEM Properties, Inc. – 505 E. North Avenue North Avenue Corridor Review

Attorney Robert McNees appeared for the petitioner Chuck Mascari of CEM Properties and was sworn in as a witness. He explained the CEM owns the property at 505 E. North Avenue, which is the old McDade's property. Unfortunately his client did not comply with required building procedures and installed an overhead door on the east side of the brick building closer to North Avenue. Mr. McNees stated that his client, not going through the process, was unaware that along with the permit for the door, he also needed to go through the North Avenue review process. He has applied for the building permit, which is pending and cannot get issued prior to the North Avenue Review process. His client is humbly requesting approval of the North Avenue Review process. Mr. McNees said that the staff report is accurate and he would like to supplement the report by saying that this property had been McDade's building and when they shut down, it stayed vacant for a long period of time and Mr. Mascari bought the property and managed to get some high quality tenants in there. The north side of the building is Comcast and they have expanded and they have all of the shipping docks occupied. South of Comcast in the building are Fidelity, a Title Insurance Co. and Property Insight, which is the building are for Chicago Title. In a bazaar configuration, there is a vacant space of about 16,000 sq. ft. on the first floor in the front of this building that Mr. Mascari would very much like to get occupied. The tenants were all complaining and there wasn't any way to get the vacant 16,000 sq.ft. rented so, Mr. Mascari went ahead and put in the overhead garage door. Mr. McNees said that the door is in and it does not comply and said that he believes that most of the permit issues have been resolve. There is no space to try to buffer or shield the view of that door from west bound traffic on North Avenue. They are proposing to paint the door and to install an awning on top of the door and to paint that as well to shield from view the roll top on the top of the building and to paint it match the brick on that side. They will also paint the two man doors the same

color as the front of the house and suggested that they plant two average black spruces be planted in front to obscure the view from North Avenue.

Mr. Bastian said that earlier this year, an overhead door was installed in the east wall of the building located at 505 E. North Avenue. (Photos of the door as installed are attached.) The door was installed without the required building permit, and also without first having been approved through the North Avenue Corridor Review (NACR) process, also as required. In an attempt to bring the door into compliance with all applicable codes and regulations, property owner Chuck Mascari has coordinated the submittal of a building permit application, and has authorized Attorney Robert McNees to submit an application for NACR for the door. For informational purposes, the building permit application is under review; however, the permit will not be issued unless and until the NACR for the door is approved.

Background:

Although not necessarily relevant to the Plan Commission's decision regarding the overhead door, staff wishes to provide information as to the circumstances that compelled the property owner to install the door. One of the building tenants, Chicago Title Insurance Company, recently reduced the size of their space within the building. This resulted in the southernmost space within the building becoming vacant. The remaining vacant space, which incidentally is two stories, is somewhat awkwardly configured. To increase the marketability of this space to prospective tenants, the property owner arranged for the installation of the overhead door on the east side of the building. The space remains vacant at this time.

North Avenue Corridor Review:

The NACR process is triggered by any change in the building façade design, including the overhead door that was installed on the east elevation earlier this year. With respect to the NACR process for the overhead door, §16-5-6(E)(4) of the Gary/North Avenue regulations reads as follows:

“Architectural Design – Any change in the building façade such as changes in the location or types of windows, doors or other features, shall conform with the standards set forth in §16-5-6(K), Architectural Design and §16-5-6(J), Required Setbacks. Painting or repair of the existing façade shall not constitute a change.”

The NAC regulations provide architectural design direction for doors and windows, and the screening of loading docks and service areas is specifically addressed. Staff can relate that since the inception of the Corridor regulations, the Village has placed a strong emphasis on ensuring that service and loading areas and dock doors either be located so as not be visible from public streets, or that they be heavily screened. In support of this emphasis, we note the following language from the NAC regulations:

§16-5-6(I)(1) Site Design, Grading and Drainage

"Service areas shall be out of sight from the public roadways."

§16-5-6(K)(10) Architectural Design

*"Screening of approved service yards, refuse and waste removal areas, **loading docks**, truck parking areas and other places which tend to be unsightly shall be accomplished by the use of walls, fencing, dense planting, or any combination of these elements. Screening shall block views from public ways and shall be equally effective in winter and summer."*

For the purpose of this review, the new overhead door is considered a loading dock and/or service area. Had the property owner contacted the Village prior to installing the door, staff would likely have advised the property owner that the installation of this type of door at the chosen location would not be consistent with NAC regulations. We would have encouraged the owner to consider less visible locations for the door, and we also would have suggested that a more attractive style door be chosen as opposed to the utilitarian style door (with externally mounted mechanical hardware) that was installed. Finally, we wish to reiterate that the owner has stated that the door was installed to increase the marketability of the space to prospective tenants. Functionally, the door is intended to allow merchandise to be moved into and out of the building more easily as opposed to using the "storefront" doors on the west side of the building; however, it is not intended that delivery vehicles would enter the tenant space through the overhead door. With the space still being vacant, the door that was installed was not designed to meet the specifications or operational needs of any particular tenant. As such, a more attractive door more in keeping with the NAC Architectural Design regulations could have been chosen instead.

Certainly it would have been preferable for the necessary Village approvals to have been obtained prior to installation of the door. However, with the owner hoping to receive approval to allow the door to remain, staff has had conversations with the applicant regarding the enhancements that could be made to improve the appearance of the door so as to comply with the intent of the Corridor regulations to the greatest extent possible. In addition, it is worth noting that the property was developed long before the adoption of the NAC regulations, and that there are constraints that affect the ability of the building and property to be improved in accordance with the NAC regulations. The proposed enhancements and existing constraints are identified and discussed below:

The owner is proposing the following enhancements to the building and property:

- **Install a metal awning over the roll-up mechanism at the top of the door** – As seen in the attached photographs of the door, the roll-up mechanism, complete with the door company name and phone number, is mounted on the exterior of the building. As stated in the cover letter from Robert McNees, and as reflected on the building elevation plan, the owner is proposing to install a new pre-finished metal awning over the roll-up mechanism, to screen the mechanical equipment.
- **Paint the door and awning** – In conversations with the applicant, staff suggested that efforts should be made to cause the door to blend in with the existing brick material on the east building wall. To accomplish this, the owner has agreed to paint the door and the proposed metal awning an 'Antique Beige' color to more closely match the brick.

- **Install new landscape materials** – Although unrelated to the overhead door, the owner acknowledges that the two existing white metal doors on the south building elevation are unattractive, and so he is proposing to install two Black Hill Spruce evergreen trees generally in front of these doors, as shown on the site plan, to help screen the view of the doors.

As noted, it is unfortunate that the property owner did not coordinate the required Village approvals prior to installing the door. However, staff believes that the functional access provided by the overhead door is necessary for the tenant space, and so we have worked with the applicant to identify ways in which the appearance of the door and property can be improved to a reasonable degree. Staff can recommend approval of the North Avenue Corridor Review for the overhead door, subject to the following conditions:

1. That the applicant shall submit the necessary information to allow staff to complete the review of the building permit application for the door;
2. That the applicant shall submit the necessary plans and permit application for the proposed metal awning that would be installed over the roll-up mechanism;
3. That the metal awning shall be installed no later than September 15, 2010;
4. That the metal awning, overhead door and the man door immediately north of the overhead door shall be painted to match the color of the brick on the east building wall no later than September 15, 2010,
5. That the two white doors on the south building wall shall be painted to match the color of the brick on the south building wall no later than September 15, 2010,

Mr. Bastian said that it may not be ideal but staff believes that with the improvements that are proposed, both on the east and south sides of the building provided that all of the conditions on page 4 can be met.

Commissioner Petella asked if the Village approached the property owner after a notice from the Fire Protection District. Commissioner Petella said he drove by the building and almost missed it. He said the trees are a great distraction, but in winter, it is definitely not going to look good. He said that there are many buildings with exposed garage doors as you drive west on North Avenue. It was a bad decision for the petitioner to poke a hole in the wall before checking with the Village.

Commissioner Spink said that there are others, but they were built before we had the North Avenue Corridor Review process and she asked Mr. Bastian if this would set precedent for others to do the same thing. Mr. Bastian said that he doesn't know if approving this is opening the door for others to do the same thing but each instance is judged on its own merit. He said that staff feels that the petitioner has done so much to have things look better and that there is enough benefit coming out of it that it mitigates the infraction.

Chairman Michaelsen asked Mr. Bastian about the fine and asked if it might be something to put into the ordinances. Mr. Bastian said that work was done without a building permit and there are codes in place to charge additional fees for work done without a permit. It is an option out there but is used with discretion. Chairman Michaelsen asked Mr. McNees if the location of the door was approved by an architect, and Mr. Bastian said that there was a building permit submitted and plans. Structurally there were no problems, it was installed

correctly and the only issue that staff is working with is the recently enacted State of Illinois Energy Code and we are awaiting the additional information to make sure it complies with that new Code.

Commissioner Petella moved to approve the North Avenue Corridor Review for 505 E. North Avenue, with the work completed by September 15, 2010 and Commissioner Spink made the second. The results of the roll call vote were:

Ayes:	4	Commissioners Petella, Smoot, Spink & Michaelson
Nays:	0	
Absent:	3	Commissioners Hennessey, McNally and Christopher

NEW BUSINESS:

Commissioner Spink moved and Commissioner Petella made the second to cancel the meeting of July 26th 2010 since there are petitions ready. The results of the roll call vote were:

Ayes:	4	Commissioners Petella, Smoot, Spink & Michaelson
Nays:	0	
Absent:	3	Commissioners Hennessey, McNally and Christopher

ADJOURNMENT:

Commissioner Spink moved to adjourn at 9:15 p.m. Commissioner Petella made the second and the motion was passed by unanimous voice vote.

FOR THE COMBINED BOARD